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# Connecticut's Courts

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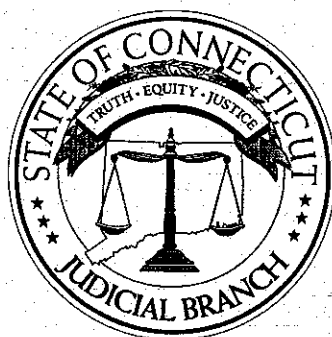




Photo of Charles DeWolf Brownell's painting - circa 1856 -  
courtesy of the Museum of Connecticut History.

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*The Judicial power of the state shall be vested in a supreme court, an appellate court, a superior court, and such lower courts as the general assembly shall, from time to time, ordain and establish. The powers and jurisdiction of these courts shall be defined by law.*

*Constitution of the State of Connecticut (1965)*

*Article 5, Section 1, as amended by the Amendments to the  
Constitution of Connecticut, Article XX, section 1.*

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The purpose of this booklet is to provide the people of Connecticut with a fundamental understanding of the history, organization and operations of their judicial system. It is based upon the laws of the State of Connecticut and the rules and procedures set forth in the Connecticut Practice Book at the time of publication.

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*Message from  
Chief Justice Francis M. McDonald, Jr.:*

This publication was prepared to promote a greater understanding of the role and functions of Connecticut's courts. It contains an overview of the organization and operations of the Connecticut Judicial Branch, as well as a brief history of our courts.

The administration of justice in Connecticut has evolved over the years. In addition to continuing to handle ever-increasing civil and criminal caseloads, the Connecticut Judicial Branch today administers innovative programs that further its mission of resolving matters brought before it in a fair, timely and cost-effective manner. The successful operation of the Judicial Branch depends on the efforts of our judges and dedicated employees, who over the years have contributed to a judicial system of which all of our citizens can be proud.

I hope you will find this publication both interesting and useful.

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## **The Role of the Courts**

The judicial system in Connecticut is established to uphold the laws of the state. Our courts help to maintain order in our society by:

- ◆ determining the guilt or innocence of persons accused of breaking the law;
- ◆ resolving disputes involving civil or personal rights;
- ◆ interpreting constitutional provisions of laws enacted by the legislature or deciding what is to be the law of the state when none exists for certain situations. The court decision then becomes a precedent to be applied in like situations unless later overruled or modified by the Supreme Court or the General Assembly; and,
- ◆ determining whether a law violates the Constitution of either the State of Connecticut or the United States.



## Separation of Powers

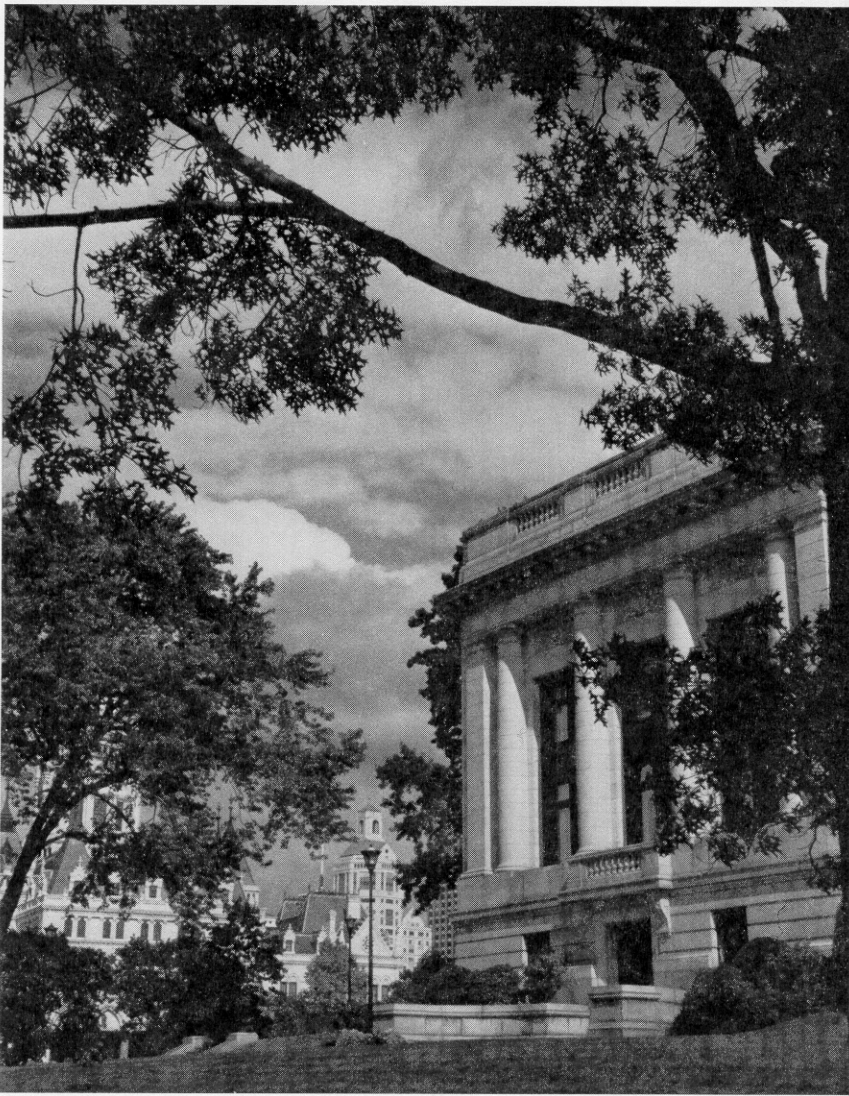
Under our constitution, the courts are one of three branches of government. The *legislative branch* (the Senate and House of Representatives) is responsible for creating new laws. The *executive branch* (the governor and executive branch agencies) is responsible for enforcing them. The *judicial branch* is responsible for interpreting and upholding our laws.

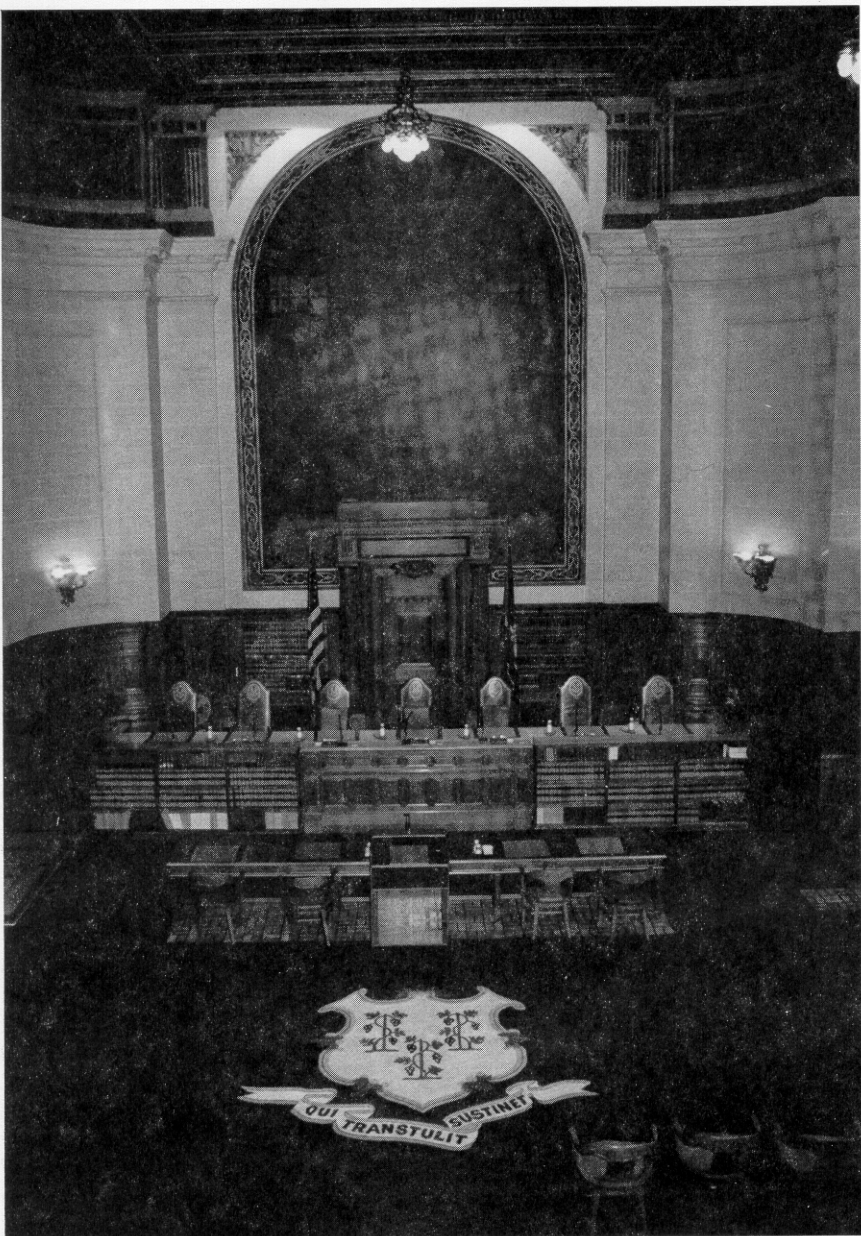
## State Courts vs. Federal Courts

In Connecticut, as throughout the United States, there are two judicial systems. One is the state system, established under the authority of the state constitution; the other is the federal system, established under the United States Constitution. Connecticut courts are courts of general jurisdiction. These courts handle most criminal matters and a variety of civil matters, including contracts, personal injury cases, dissolution of marriage and other legal controversies. In some instances, decisions of state courts may be appealed to the United States Supreme Court if a question of federal constitutional law arises.

Federal courts have jurisdiction over matters involving federal law, and over the following matters: cases brought by the United States, cases between two states or the citizens of two different states, cases between a state and a foreign

state or its citizens, admiralty and maritime cases, and cases affecting ambassadors and other diplomatic personnel.





# Organization of the Courts

## Supreme Court

The Supreme Court is the state's highest court. It consists of the Chief Justice and six associate justices. In addition, justices who are eligible and who have not yet attained the age of 70 may elect to take senior status and remain as members of the court. A panel of five justices hears and decides each case. On occasion the Chief Justice summons the court to sit en banc as a full court of seven, instead of a panel of five, to hear particularly important cases. When necessary, a judge of the Appellate Court or of the Superior Court may be designated by the Chief Justice to sit as a member of the Supreme Court to hear a particular case.

The Supreme Court reviews decisions made in the Superior Court to determine if any errors of law have been committed. It also reviews selected decisions of the Appellate Court.

Generally, the Supreme Court does not hear witnesses or receive evidence. It decides each case on:

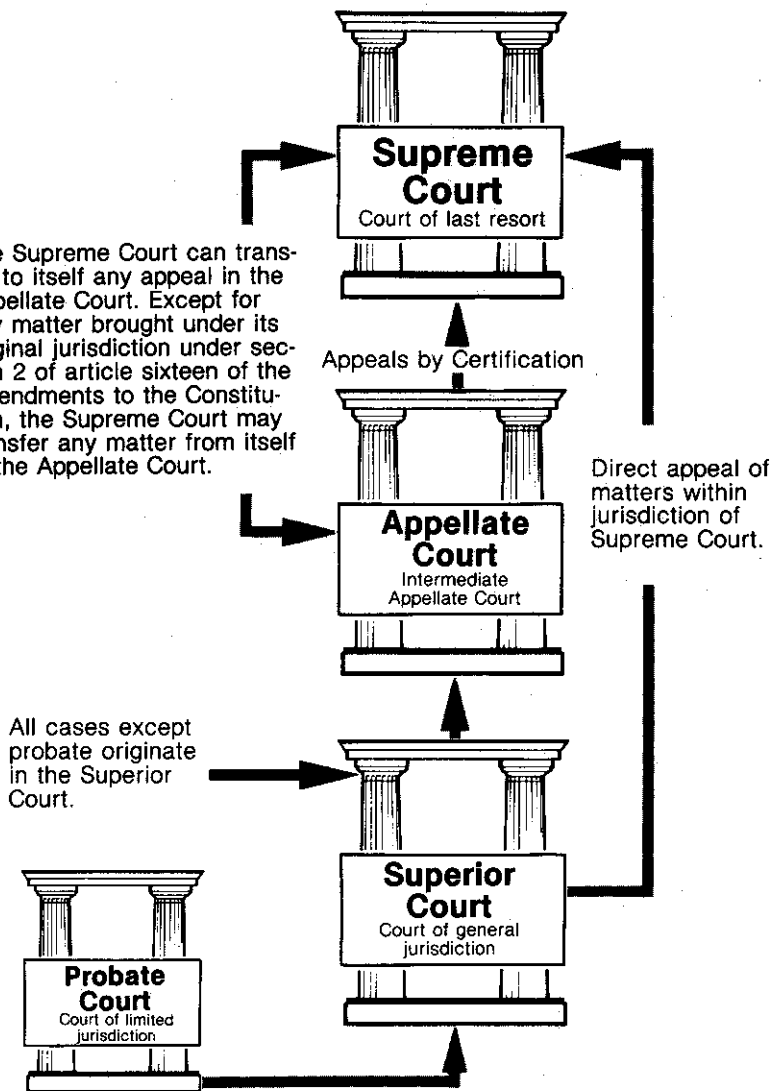
- the record of lower court proceedings;
- briefs, which are used by counsel to convey to the court the essential points of each party's case; and,
- oral argument based on the content.

State law specifies which types of appeals may be brought directly to the Supreme Court from the Superior Court, thereby bypassing the Appellate Court. These cases include: decisions where the Superior Court has found a provision of the state constitution or a state statute invalid and convictions of capital felonies. All other appeals are brought to the Appellate Court.

The Supreme Court may transfer to itself any matter filed in the Appellate Court, and may agree to review decisions of the Appellate Court through a process called certification. Except for any matter brought under its original jurisdiction as defined by the State Constitution, the Supreme Court may transfer any matter pending before it to the Appellate Court.

The Supreme Court has eight two-week sessions over the period from September through June of each year. The Supreme Court courtroom is located in the State Library/Supreme Court Building at 231 Capitol Avenue in Hartford.

The Supreme Court can transfer to itself any appeal in the Appellate Court. Except for any matter brought under its original jurisdiction under section 2 of article sixteen of the amendments to the Constitution, the Supreme Court may transfer any matter from itself to the Appellate Court.



The above diagram depicts the relationship between Connecticut's courts. Shaded arrows indicate routes of appeal.

## **Appellate Court**

The Appellate Court, like the Supreme Court, reviews decisions made in the Superior Court to determine if errors of law have been committed.

There are nine Appellate Court judges, one of whom is designated by the Chief Justice to be Chief Judge. In addition, judges who are eligible and who have not attained the age of 70 may elect to take senior status and remain as members of the court. Generally, three judges hear and decide each case although the court may also sit en banc. Like the Supreme Court, the Appellate Court does not hear witnesses, but renders its decision based upon the record, briefs and oral argument.

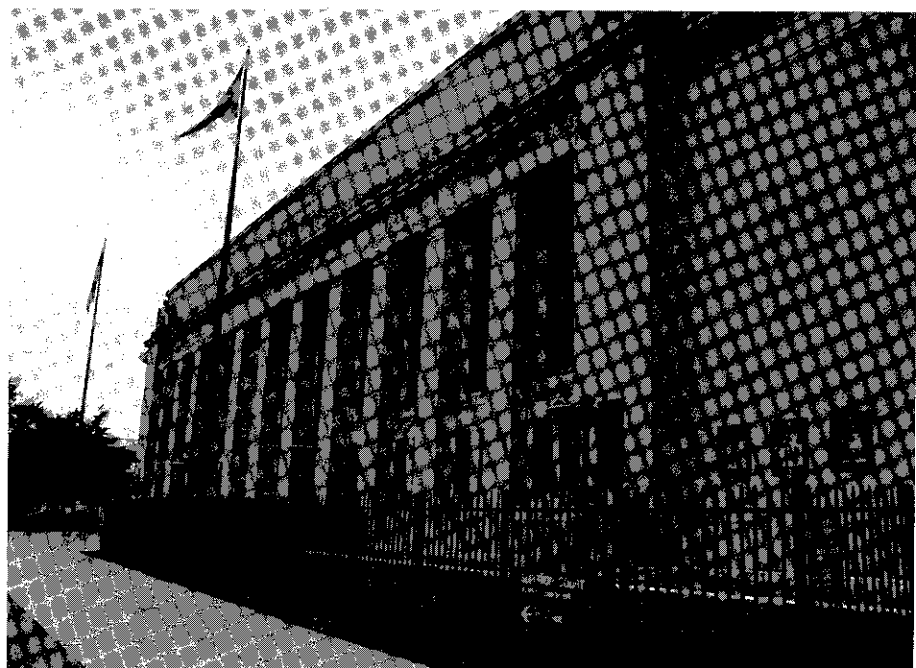
Appellate Court sessions are held in the Appellate Court at 95 Washington Street in Hartford.

## **Superior Court**

The Superior Court hears all legal controversies except those over which the Probate Court has exclusive jurisdiction.<sup>1</sup> Probate Court matters may be appealed to the Superior Court.

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<sup>1</sup> See page 35.



The state is divided into 13 judicial districts, 22 geographical areas and 14 juvenile districts. In general, major criminal cases, civil matters and family cases that are not juvenile matters are heard at judicial district court locations. Other civil and criminal matters are heard at geographical area locations. Cases involving juvenile matters are heard at juvenile court locations.

The Superior Court has four principal trial divisions: civil, criminal, family and housing.



## **Civil Division**

A civil case is usually a matter in which one party sues another to protect civil, personal or property rights. Examples of typical civil cases include landlord-tenant disputes, automobile or personal accidents, product or professional liability suits and contract disputes.

In most civil cases, the accusing party (plaintiff) seeks to recover money damages from another party (defendant). Cases may be decided by the judge or by a jury, depending on the nature of the claim and the preference of the parties.

The Civil Division is divided into five parts:

- Landlord-tenant, including summary process;
- Small claims;
- Administrative appeals;
- Civil jury; and,
- Civil non-jury.

## **Criminal Division**

A criminal case is one in which a person (defendant) is accused of breaking the law. The two sides in a criminal case are the state, represented by a state's attorney (because crimes are considered acts that violate the rights of the entire state) and the defendant.

The following types of cases are heard in the Criminal Division:

- Crimes
  - felonies - punishable by prison sentences of more than one year;
  - misdemeanors - punishable by prison sentences of not more than one year.
- Violations, including motor vehicle - punishable by fine only.
- Infractions - fine may be paid by mail without requiring a court appearance.

The Criminal Division consists of four parts:

- **Part A:** capital felonies, class A felonies and unclassified felonies punishable by sentences of more than twenty years;
- **Part B:** class B felonies and unclassified felonies punishable by sentences of ten to twenty years;
- **Part C:** class C felonies and unclassified felonies punishable by sentences of five to ten years; and,
- **Part D:** class D felonies and all other crimes, violations, motor vehicle violations and infractions.

## **Housing Division**

Cases involving housing are heard in special housing sessions in the Bridgeport, Hartford, New Britain, New Haven, Stamford-Norwalk and Waterbury judicial districts. In all other judicial districts, these cases are part of the regular civil docket.

Clerks in the housing session provide assistance to litigants, while housing specialists mediate cases and conduct inspections.

The following types of housing matters are heard at judicial district housing session locations:

- Summary process (eviction);
- Small claims;
- Administrative appeals;
- Payment into court;
- Civil jury and non-jury; and,
- Criminal jury and non-jury.

## **Family Division**

The Family Division is responsible for the just and timely resolution of family relations matters and juvenile matters. Examples of family relations matters include: dissolution of marriage, child custody, relief from abuse and family support payments. Juvenile matters include delinquency,



child abuse and neglect, and termination of parental rights.

The Family Division consists of three parts:

- Juvenile matters - including neglect, dependency, delinquency, families with service needs and termination of parental rights;
- Support and paternity actions; and
- All other family relations matters, including dissolution of marriage cases.

## Steps in a Jury Trial

### *Selection of a Jury*

1. administration of voir dire oath
2. voir dire - questioning of prospective jurors by counsel
3. challenges by counsel
  - for cause
  - peremptory - without cause
4. completion of jury selection
  - civil trials and most criminal trials - 6 jurors, 2 alternates
  - certain offenses - 12 jurors, 2 alternates
5. impanelling of jury - administration of juror's oath to those chosen for a particular case

### *The Trial*

1. opening statements - generally brief, made by counsel for each side
2. presentation of evidence
  - testimony - direct and cross-examination
  - exhibits
3. closing arguments

### ***Judge's Charge to the Jury***

1. explanation of the relevant points of law
2. review of the procedures to be used in reaching the verdict

### ***Jury Deliberation***

1. presided over by jury foreman, who is elected by members of the jury
2. free discussion by jurors, who listen with open minds

### ***The Verdict***

1. must be unanimous in civil and criminal cases
2. written in civil cases; oral in criminal matters
3. presented to the court by the jury foreman



## **Judges - Appointment and Terms**

Judges of the Supreme Court, the Appellate Court and the Superior Court are nominated by the Governor from a list of candidates submitted by the Judicial Selection Commission and are confirmed by the General Assembly. They serve eight-year terms and are eligible for reappointment. To qualify for these judgeships, a person must be an attorney admitted to practice in Connecticut.

The Connecticut Constitution provides that judges may not hold their offices after reaching the age of 70. At this time, they retire and become state referees for the remainder of their terms. They are eligible for reappointment as state referees during the remainder of their lives. The Chief Justice may designate, from among the state referees, judge trial referees, to whom cases may be referred. Judges who retire from full-time active service prior to age 70 are known as Senior Judges.



## **Parajudicial Officers**

Not all legal controversies are heard by judges. They may also be heard by the following:

### ***Small Claims Commissioners:***

Attorneys designated by the Chief Court Administrator to hear and decide small claims cases;

### ***Attorney State Trial Referees:***

Attorneys appointed by the Chief Justice to preside over civil non-jury matters. They may not render judgments, but rather make findings of fact and file proposed decisions with the court. The court thereafter may render judgment in accordance with these findings;

### ***Magistrates:***

Attorneys appointed by the Chief Court Administrator to hear small claims matters, infractions, and certain non-jury motor vehicle cases;

### ***Factfinders:***

Attorneys appointed by the Chief Court Administrator to hear certain contract cases; and

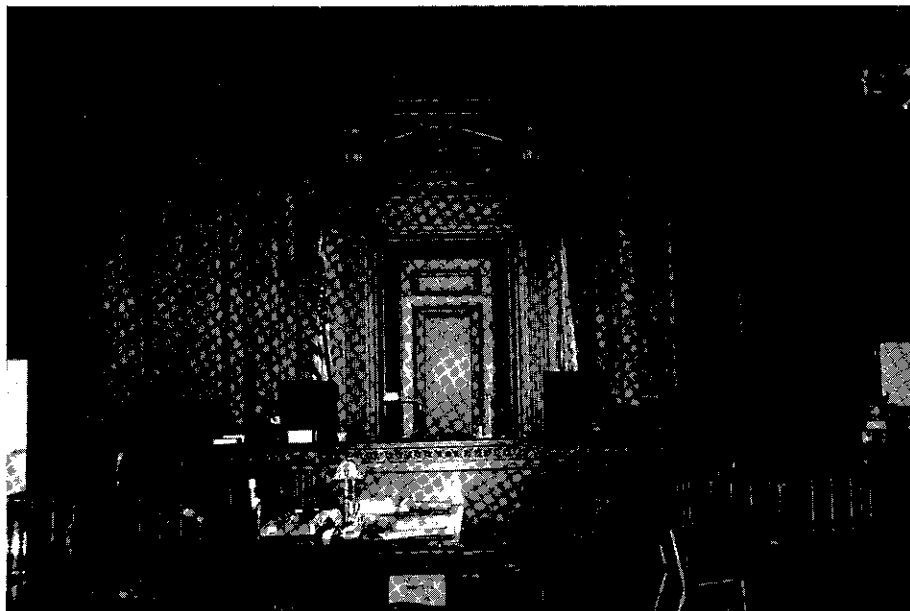
### ***Arbitrators:***

Attorneys appointed by the Chief Court Administrator to hear any civil jury action in which the amount, legal interest, or property in demand is less than \$50,000.

## Funding for the Courts

The Judicial Branch receives its funding as part of the legislatively enacted state budget. This funding is provided to pay the salaries of judges and other judicial personnel, for computers and other equipment, for contractual services, to maintain courthouses and other judicial facilities, and for other necessary expenditures.

All fines, fees and costs collected in the courts are deposited in the state's general fund and other funds established by the legislature.





# **Court Administration and Operations**

The Chief Justice of the Supreme Court is the head of the Judicial Branch. Its administrative director is the Chief Court Administrator.

## **Judicial Functions**

The judicial functions of the Branch are concerned with the just disposition of cases at the trial and appellate levels. All judges have the independent, decision-making power to preside over matters in their courtrooms and to determine the outcome of each case before them.

## **Administrative Operations**

The Chief Court Administrator is responsible for the administrative operations of the Judicial Branch. In order to provide the diverse services necessary to effectively carry out the Judicial Branch's mission, the following administrative divisions have been created:

### **Administrative Services Division:**

Provides a wide array of centrally conducted, statewide services for the benefit of all divisions within the Judicial Branch, such as data processing, financial services, personnel matters, affirmative action and facilities management.

**Court Support Services Division:**

Provides pre-trial services, family services and offender sentencing and supervision options. Consists of *Intake/Assessment/Referral (IAR) units*, which conduct comprehensive evaluations and referrals, and *Supervision units*, which focus on effective supervision of clients involved with the court system. Two separate, but parallel, service delivery systems operate - one for adults and one for juveniles. The state has been divided into five regions for the delivery of services.

**External Affairs Division:**

Coordinates a variety of legislative, educational and informational activities designed to inform and educate the public and private sectors about the mission, activities and goals of the Judicial Branch.

**Information Technology Division:**

The Information Technology Division is dedicated to designing, developing, implementing, and maintaining the Judicial Branch's complex data and information processing, storage, retrieval, dissemination and printing systems for the Judicial Branch, for customers in the legal community and for the public.

### **Superior Court Operations:**

The Superior Court Operations Division includes the following:

*Administration* provides support services and guidance to all segments of the Division by directing the administrative, strategic planning, staff training and business activities, and provides for court transcript services, interpreter services, and the preservation and disposition of seized property;

*Centralized Court Services* performs a variety of functions including the Centralized Infractions Bureau, jury administration and the maintenance, retrieval and destruction of records;

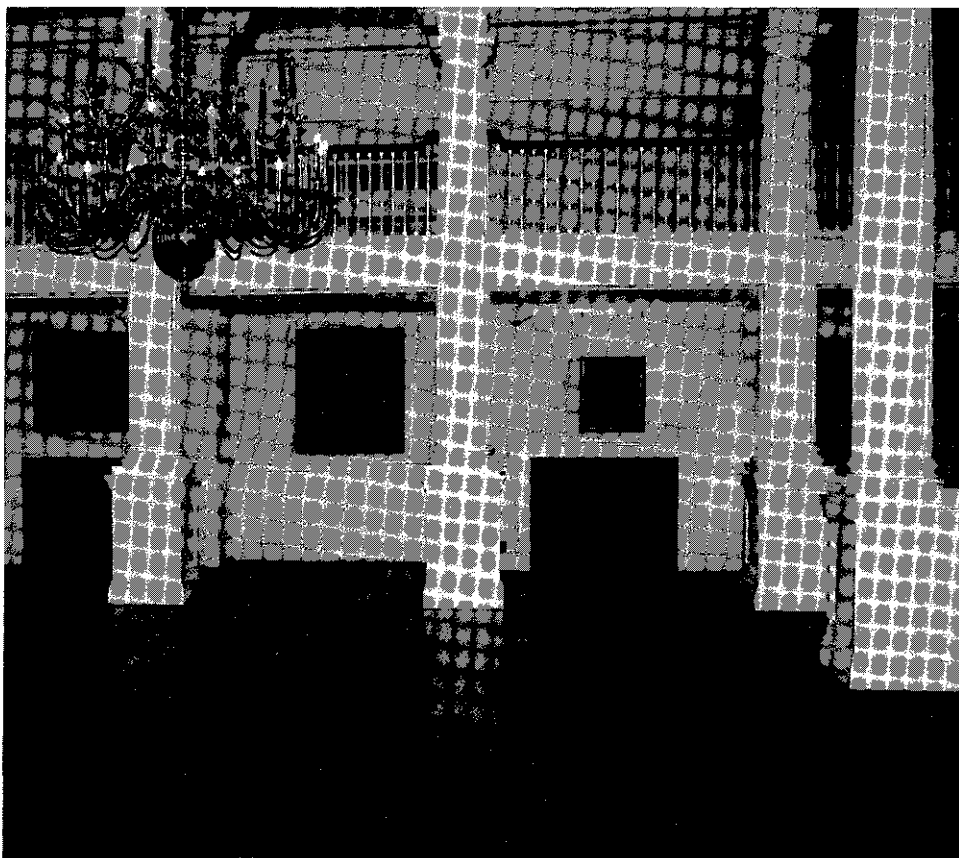
*Court Operations* ensures that the Superior Court Clerk's offices process all matters in accordance with Statutory, Practice Book and Judicial Branch policy provisions in an efficient and professional manner through the provision of technical assistance and support services;

*Judge Support Services* ensures the prompt delivery of services and programs to Superior Court judges pertaining to law libraries, legal research, judicial performance evaluations, continuing education and support for technology;

*Legal Services* determines legal issues and provides support services in the areas of attorney ethics, discipline and bar admission;

*Office of Victim Services* advocates for victims of crime and arranges for or provides services and financial compensation;

*Support Enforcement Division* enforces, reviews and adjusts family support orders in accordance with federal and state regulators, rules and statutes.



## History of Connecticut Courts

The first Connecticut judicial proceedings probably were held on April 26, 1636 at "A Corte holden in Newton" (Hartford) under the commission granted to eight leaders by the General Court of Massachusetts Bay.



In 1638, the General Court established the Particular Court (often called the "Quartet Court" because it was required to meet every three months). While the General Court, later called the General Assembly, controlled the administration of justice, the Particular Court was the principal judicial body until the union of the New Haven and Connecticut colonies and the granting of the Charter from Charles II in 1662.

In 1665, with the new Charter, the Particular Court was abolished and two new levels of courts were established: the Court of Assistants in 1665, and the county courts one year later. Separate probate courts were established in 1698 to handle such matters as wills and estates.

The Court of Assistants was abolished in 1711. Its powers of original and appellate jurisdiction were assumed by the newly created Superior Court, the forerunner of the sole trial court of general jurisdiction which exists in Connecticut today.

During the period between the Revolutionary War and the adoption of the Connecticut Constitution in 1818, significant developments in the direction of creating an independent judiciary took place.

In 1784, the Supreme Court of Errors was created as the highest appellate tribunal of the state, with the power to review lower court cases based on a writ of error, a power previously held by the General Assembly.

In 1818, the first Connecticut Constitution was adopted, setting forth the doctrine of separation of powers and establishing the three separate branches of government. This constitution created "... a Supreme Court of Errors, a Superior Court, and such inferior courts as the general assembly shall from time to time ordain and establish."

County courts were abolished in 1855 and their functions were transferred to a strengthened Superior Court. As the volume of cases continued to increase, however, the General Assembly found it necessary to create a series of Courts of Common Pleas.

The development of the state, county and municipal courts was paralleled by the important contributions of the justices of the peace, who first came into use about 1686. By the end of the century, justices were commonly authorized to take jurisdiction over small actions, and they played a vital part in the judicial system for more than 250 years. As towns were incorporated, the General Assembly authorized the creation of town and borough courts, presided over by justices of the peace, to handle small cases. In 1939, the trial justice system was enacted, vesting the limited criminal jurisdiction formerly within the power of all justices of the peace in specially designated trial justices.

In 1921 Connecticut's first juvenile courts were established in several towns, and in 1942 a state-wide Juvenile Court came into existence.

In 1941 the General Assembly enacted legislation to establish a single Court of Common Pleas for the entire state with judges subject to periodic reassignment on a statewide basis. Prior to this legislation, judges sat only in the counties to which they had been appointed.

When the General Assembly abolished county government in 1960, the municipal courts and trial justice system were replaced by a state-wide Circuit Court. The three-level system of state, county and municipal courts was dissolved in favor of a completely state-maintained system.

On December 31, 1974, the Circuit Court was merged with the Court of Common Pleas. Circuit Court judges were elevated to the Court of Common Pleas. This consolidation was followed four years later by the merger of the Court of Common Pleas and Juvenile Court with the Superior Court on July 1, 1978. Common Pleas and Juvenile Court judges became judges of the Superior Court. The Superior Court thus became the sole trial court of general jurisdiction in the state and Connecticut acquired the first unified court system in the country.

In 1982, the state Constitution was amended to establish the Appellate Court to help alleviate the caseload burden on the Supreme Court. The new court began hearing cases the following year.

## **Probate Court**

In addition to the state-operated courts, Connecticut has probate courts which have jurisdiction over the estates of deceased persons, testamentary trusts, adoptions, conservators, commitment of the mentally ill, guardians of the persons and estates of minors.

Each probate court has one judge who is elected to a four-year term by the electors of the probate district. Probate judges need not be attorneys. They are paid for their services from court fees.

## **Visiting the Court**

Trial courts are generally open to the public Monday through Friday between 9:00 a.m. and 5:00 p.m., except on holidays. Visitors are welcome, but large groups should notify the court clerk prior to arrival.

The Appellate Court at 95 Washington Street and the Supreme Court at 231 Capitol Avenue in Hartford are also open to the public, and oral arguments may be observed while they are in session. Contact the Supreme Court clerk's office at (860) 566-8160 for a schedule of cases to be heard and other information.